

Justification For Other Than Full And Open Competition
for Environmental Services at DFSP Ozol, CA under
Authority Of 10 U.S.C. §2304(c)(1)
Contract SP0600-08-D-5812

1. Summary/Introduction:

The Defense Logistics Agency Energy (DLA Energy) is a Primary Level Field Activity of the Defense Logistics Agency and is the acting contracting agency for the Defense Fuel Support Point (DFSP) Ozol under contract SP0600-08-D-5812. DLA Energy hereby submits its justification for Other Than Full and Open Competition under the authority of 10 U.S.C. §2304(c)(1) in requesting a four (4) month follow-on contract of the current contract SP0600-08-D-5812 with Shaw Environmental, Inc. for an estimated value of \$258,000.00. This will be a fixed price, service contract, with a period of performance of January 1, 2014 to April 30, 2014.

2. Description of Agency's Need (10 U.S.C. 2304(f)(3)(A):

This is an environmental services contract for the provision of required environmental assessment, remediation, and emergency response actions at DFSP Ozol, CA, during the contract period. Specific requirements are issued to the contractor by separate task orders under the contract.

Assessment actions are of two types. Assessment actions may take place and determine that no further action is necessary. Assessment actions may also take place as part of a remediation action. As a general matter, site remediation at locations that have stored petroleum for long periods of time, such as DFSP Ozol, is an ongoing process with two concurrent phases – the assessment phase and the actual remediation phase. During the assessment phase the contractor shall evaluate the lateral and vertical extent of contaminants in the subsurface, assess the nature and extent of free product that may be present, initiate free product recovery, assess the nature and lateral extent of groundwater and soil contamination, evaluate the geologic and hydrogeologic characteristics of the subsurface, and initiate a risk assessment. Risk assessment shall provide sufficient information to be used in a Remedial Action Plan. During the actual remediation phase actions the contractor shall install a fully functional, safe and reliable remediation system to clean up the site through various actions: development of a work plan, implementation of the Remedial Action Plan, operation of the remediation systems, installation of boring or monitoring wells, installation of product recovery wells with pumps to remove product, and preparation of documentation for site cleanup. Assessment actions continue during the remediation phase as well. The site is continually assessed and evaluated to include new data unearthed as remediation work is being done. Emergency response services allow the Agency to task the contractor to take action concerning newly discovered environmental conditions that require immediate response.

[REDACTED] We have requirements with the various local, state and federal environmental regulatory offices concerning ongoing remediation actions at DFSP Ozol. If the ongoing remediation actions at DFSP Ozol were to stop, even temporarily, this would allow the conditions being remediated to worsen [REDACTED]

[REDACTED] Given this, it is important that there is no gap in the ongoing work or the ability of the Agency to issue tasks for remediation work at this site.

The delivery period under the current contract is due to expire on December 31, 2013. In order to ensure continued support at DFSP Ozol, CA, DLA Energy proposes to issue a four (4) month follow-on contract to the current contractor, Shaw, with a delivery period from January 1, 2014 to April 30, 2014, which will cost approximately \$258,000.00.

The procurement process has taken more time than originally planned [REDACTED]

[REDACTED] During the review process the IGE was revised to add the other direct costs amount for the three locations in the solicitation. This increase in the estimated contract value increased the required higher level of review for the Prenegotiation Briefing Memorandum (PBM) and subsequent Milestone reviews which added more time to the procurement. These factors increased the time for the proposal review, PBM writing, and approval to negotiate milestones for the follow-on contracts. These delays will be taken into consideration in similar future solicitations in order to better estimate the time required for source selections.

Shaw Environmental, Inc., the contractor currently providing these services at DFSP Ozol under SP0600-08-D-5812 has agreed to the four (4) month follow-on contract from January 1, 2014 through April 30, 2014 at the current contract price. The follow-on contract to be awarded under solicitation SP0600-13-R-0515 is projected to begin no later than May 1, 2014.

3. Authority for other than full and open competition (10 U.S.C. §2304 (f)(3)(B)):

A follow-on contract is necessary in order to ensure continued support at DFSP Ozol, CA without interruption. The statutory authority permitting other than full and open competition is 10 U.S.C. §2304 (c)(1), as implemented at FAR 6.302-1(a)(2)(iii). Continued service is deemed available only from the original source, in the case of contracts providing highly specialized services, when it is likely that award to any other source would result in unacceptable delays in fulfilling the agency's requirements.

The DFSP Ozol is [REDACTED] The facility covers an area of 30 acres and consists of tank farms, pipelines, fuel piers, and tank truck loading racks. JP-4, JP-5, JP-8, and AVGAS were formerly stored and shipped from refineries to the DFSP facility by pipelines, tank trucks, tanker/barge marine pier, and railcar. [REDACTED]

[REDACTED] since June 1999, all tanks and pipelines have been emptied and cleaned. However, the facility currently operates a Self-Monitoring Program (groundwater monitoring, sampling, and reporting program) in accordance with Site Cleanup Order No. 93-131 issued by California Regional Water Quality Control Board San Francisco Bay Region (RWQCB), dated October 20, 1993.

The requirement for environmental services—assessment, remediation, and emergency response, at DFSP Ozol, CA, is ongoing. Based on the ongoing nature of the environmental services requirement at DFSP Ozol and the information discussed above, it is vital that environmental remediations continue

Justification for Other Than Full and Open Competition (Cont'd)
(SP0600-08-D-5812 Shaw Environmental, Inc.)

without a lapse in service at DFSP Ozol, CA while the follow-on solicitation SP0600-13-R-0515 process takes place. [REDACTED]

4. Price/Cost Considerations (10 U.S.C. 2304 (f)(3)(C)):

DLA Energy proposes to issue a four (4) month follow-on contract to the current contractor, Shaw Environmental, Inc. [REDACTED]

[REDACTED] The cost for this follow-on contract is \$258,000.00. The current contract prices were determined to be fair and reasonable at the time of contract award IAW FAR 15.404-1(b)(2)(i). Therefore, the prices for the follow-on contract are determined to be fair and reasonable. Based upon a consideration of price, the use of a sole source contract is determined to be in the best interest of the Government.

The contract provision I209.14 EXTENSION PROVISIONS (ENVIRONMENTAL) (DESC SEP 1997), has been used to extend the contract for the period of July 1, 2013 through December 31, 2013. Therefore this four (4) month follow-on contract must be a bilateral agreement based on the mutual agreement of the parties involved. Shaw Environmental, Inc., the contractor currently providing these services at DFSP Ozol under SP0600-08-D-5812 has agreed to the four (4) month follow-on contract from January 1, 2014 through April 30, 2014 at the current contract price, terms, and conditions.

5. Market Research/Efforts to Obtain Competition (10 U.S.C. 2304(f)(3)(D&E)):

The Government has not contacted any other sources for this four month follow-on contract. The contract that will replace this sole source follow-on contract is being competed on a full and open competition basis with no Small Business set aside.


6. Actions being Taken to Overcome Barriers to Competition (10 U.S.C. 2304 (f)(3)(F)): Under typical circumstances, there are no barriers obstructing competition at this location.

Justification for Other Than Full and Open Competition
(SP0600-08-D-5812 Shaw Environmental, Inc.)

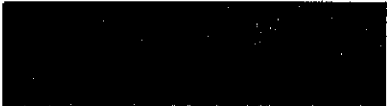
I hereby certify that the data which forms the basis for this justification is accurate and complete to the best of my knowledge and belief.



Salman Shahid
Contracting Specialist
Date Dec 27, 2013

I hereby certify that the data which forms the basis for this justification is accurate and complete and that the purchase request covers only the minimum requirements to satisfy the needs of the Government.

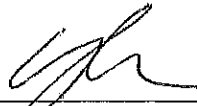

WAYNE BARNUM
Chief, Environmental Restoration Branch
Date Dec 19, 2013

I have reviewed and concur with this Justification


CHRISTINE A. HOPPER
Chief, Domestic Storage/Services Contract Division
Date Dec 27, 2013


DON POLLACK
Assistant Counsel
Date Dec 27, 2013

Approved:


YUNYOUNG CHO
Contracting Officer
Date 27 December 2013